

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM SCHEIDLER,

Plaintiff,

v.

JAMES AVERY, *et al.*,

Defendants.

CASE NO. C12-5996 RBL

ORDER DENYING OBJECTION TO  
ORDER AFFIRMING DENIAL OF  
DISQUALIFICATION

[DKT. #110]

THIS MATTER is before the Court on Plaintiff Scheidler's "Objection and Motion to Strike Chief Judge Pechman's Ruling for 'Fraud Upon the Court,'" [Dkt. # 110], and his Supplement to that Objection [Dkt. #111].

Scheidler's first effort to obtain the court's disqualification was filed shortly after he filed this case, almost three years ago [Dkt. #11]. The motion was denied [Dkt. #28] and referred to the Chief Judge [Dkt. #29]. Judge Pechman confirmed the denial [Dkt. # 37] and Scheidler sought Reconsideration of her Order [Dkt. # 40]. That motion was similarly denied [Dkt. # 41].

The Ninth Circuit affirmed these rulings:

The district court did not abuse its discretion in denying Scheidler's motion for recusal of the district court judge because Scheidler failed to identify a ground for recusal. *See* 28 U.S.C. §§ 144, 455; *Pesnell v. Arsenault*, 543 F.3d 1038, 1043 (9th Cir. 2008) (standard of review).

1 [Dkt. #51 at 4]

2 The Ninth Circuit remanded the case to permit Scheidler to amend his complaint  
3 to state a viable claim, and he employed a similar strategy to obtain the court's recusal.  
4 His most recent Motion to Disqualify [Dkt. #86] was denied [Dkt. #107] and referred to  
5 the Chief Judge under GR 8(c), Local Rules W.D. Wash.

6 Judge Pechman "affirmed" the decision [Dkt. #109], and Scheidler's current Motion is a  
7 sort of appeal of that order, back to this Court. Scheidler asks this Court to "strike" the Chief  
8 Judge's Order and to "set the matter of Judge Leighton's Disqualification for a jury trial." [See  
9 Proposed Order at Dkt. #110-2].

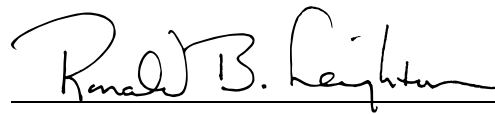
10 This Court does not have jurisdiction to review or overturn the Chief Judge's Order  
11 affirming this Court's own prior Order. The corrective is an appeal to the Ninth Circuit Court of  
12 Appeals, under the Rules and standards governing interlocutory appeals.

13 Scheidler's "objection" (and his request for a jury trial on the issue) is DENIED.

14 Scheidler's effort at disqualification has now been rejected eight times, by three different  
15 courts. A ninth effort (other than an attempt to obtain Ninth Circuit review of this Order) will  
16 result in sanctions for frivolous and abusive filings.

17 IT IS SO ORDERED.

18 Dated this 6<sup>th</sup> day of October, 2015.

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21 Ronald B. Leighton  
22 United States District Judge  
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